

**Presentment Date and Time: June 8, 2015, at 12:00 p.m. (prevailing Eastern Time)**  
**Objection Deadline: June 3, 2015, at 4:00 p.m. (prevailing Eastern Time)**

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*Attorneys for Defendants:*  
*IRVING J. PINTO 1996 GRANTOR RETAINED*  
*ANNUITY TRUST; IRVING J. PINTO 1994*  
*GRANTOR RETAINED ANNUITY TRUST;*  
*SIDNEY KAPLAN, in his/her capacity as Trustee*  
*of the Irving J. Pinto 1996 Grantor Retained*  
*Annuity Trust and the Irving J. Pinto 1994*  
*Grantor Retained Annuity Trust; ESTATE OF IRVING*  
*J.PINTO; and JAMIE PINTO, in his capacity as*  
*Personal Representative of the Estate of Irving J. Pinto.*

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

IRVING J. PINTO 1996 GRANTOR RETAINED  
ANNUITY TRUST; IRVING J. PINTO 1994  
GRANTOR RETAINED ANNUITY TRUST;  
SIDNEY KAPLAN, in his/her capacity as Trustee  
of the Irving J. Pinto 1996 Grantor Retained  
Annuity Trust and the Irving J. Pinto 1994 Grantor  
Retained Annuity Trust; ESTATE OF IRVING  
J.PINTO; and JAMIE PINTO, in his capacity as  
Personal Representative of the Estate of Irving J.  
Pinto,

Defendants.

Adv. Pro. No. 10-04744 (SMB)

**MOTION OF DEFENDANTS' COUNSEL ROBERT M. McCLAY AT THE LAW  
FIRM OF McCLAY•ALTON, P.L.L.P. AND DEFENDANTS' COUNSEL MARVIN  
C. INGBER FOR AN ORDER PURSUANT TO RULE 2090-1(e) OF THE LOCAL  
BANKRUPTCY RULES TO REMOVE BRUCE S. SCHAEFFER AS COUNSEL  
TO DEFENDANTS**

Pursuant to Rule 2090-1(e) of the Local Bankruptcy Rules, Robert M. McClay,  
McClay•Alton, P.L.L.P. and Marvin C. Ingber ("Active Counsel for Defendants") respectfully  
seek to remove Bruce S. Schaeffer as counsel ("Schaeffer") for Defendants IRVING J. PINTO  
1996 GRANTOR RETAINED ANNUITY TRUST; IRVING J. PINTO 1994 GRANTOR  
RETAINED ANNUITY TRUST; SIDNEY KAPLAN, in his/her capacity as Trustee  
of the Irving J. Pinto 1996 Grantor Retained Annuity Trust and the Irving J. Pinto 1994 Grantor  
Retained Annuity Trust; ESTATE OF IRVING J.PINTO; and JAMIE PINTO, in his capacity as  
Personal Representative of the Estate of Irving J. Pinto ("Defendants"), in the above-captioned  
adversary proceeding and state as follows:

1. Schaeffer having appeared as attorney for the Defendants has not actively represented Defendants since March of 2012.

2. Schaeffer's representation of Defendants was terminated by Defendants sometime on or around March 2012.

3. Active Counsel for Defendants has represented Defendants Pro Hac Vice since end of March of 2012. Thereafter, representation fees and costs in this matter have been paid to Active Counsel for Defendants.

4. According to the docket in this case, Schaeffer has not independently filed a Withdrawal of Counsel Request to remove himself from this case.

5. On July 26, 2014 Schaeffer sent a letter to Attorney Dean D. Hunt at Baker Hostetler in Houston, TX stating that he did not want any more correspondence and had not been in the case for more than a year.

6. Schaeffer has refused to sign a stipulation of Notice of Substitution of Counsel to remove himself as counsel on record in this matter.

7. Defendants have authorized this action to formally remove Schaeffer as attorney of record in this matter and to have him removed from all service lists.

8. No prejudice to the Court or the litigants will result from the granting of this motion.

9. Accordingly, Active Counsel for Defendants seek to remove Schaeffer as counsel for Defendants pursuant to Rule 2090-1(e) of the Local Bankruptcy Rules, which permits withdrawal by order of the Court for cause shown. Withdrawal is appropriate here in light of the foregoing.

WHEREFORE, Active Counsel for Defendants respectfully requests that the Court

(a) enter an order substantially in the form attached hereto, granting the relief requested herein or (b) grant such other and further relief as the Court deems just and proper.

Dated: St. Paul Minnesota

April 22, 2015

By: /s/ Robert M. McClay  
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Dated: Palm Springs, CA

April 22, 2015

By: /s/ Marvin C. Ingber  
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*Attorneys for Defendants:*  
*IRVING J. PINTO 1996 GRANTOR*  
*RETAINED ANNUITY TRUST; IRVING J.*  
*PINTO 1994 GRANTOR RETAINED*  
*ANNUITY TRUST; SIDNEY KAPLAN, in*  
*his/her capacity as Trustee of the Irving J.*  
*Pinto 1996 Grantor Retained Annuity Trust*  
*and the Irving J. Pinto 1994 Grantor Retained*  
*Annuity Trust; ESTATE OF IRVING J. PINTO;*  
*and JAMIE PINTO, in his capacity as*  
*Personal Representative of the Estate of Irving*  
*J. Pinto.*